

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION-COLUMBUS**

DAVID GREGG)
60201 Christian Hill Road)
Cambridge, OH 43725)
)
Plaintiff,) No.2:14-cv-219
)
vs.)
GC SERVICES, LP) VERIFIED CIVIL COMPLAINT
6330 Gulfton St)
Houston, Texas 77081) (Unlawful Debt Collection Practices)
)
Defendant.)

DAVID GREGG (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against GC SERVICES, LP (Defendant):

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state claims contained therein.
3. Defendant conducts business in the State of Ohio, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Cambridge, Guernsey County, Ohio.
6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and sought to collect a consumer debt from Plaintiff.
8. Defendant is a debt collection company with its headquarters in Houston, Texas.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Defendant is attempting to collect a debt allegedly owed by Plaintiff to United Student Aid Funds (“USAF”).
11. Plaintiff does not owe the debt Defendant is attempting to collect.
12. Defendant sent Plaintiff a letter dated December 6, 2013 in an attempt to collect the alleged debt.
13. Upon receiving Defendant’s letter on December 12, 2013, Plaintiff placed a call to Defendant at 800-753-8354 at 6:38pm Eastern Time, and spoke to Defendant’s representative, “Paula.”
14. In the telephone conversation on December 12, 2013, Plaintiff referenced account number 755658, verified with Defendant’s representative that he was not the individual Defendant was attempting to contact, and requested that Defendant cease mailing correspondence.

15. Despite informing Defendant on December 12, 2013 that he did not owe the owe the alleged debt and was not the individual Defendant was attempting to contact, and requesting Defendant cease communications, Defendant mailed a letter dated January 7, 2014 in an attempt to collect the alleged debt. *See* Letter from Defendant dated January 7, 2014, attached hereto as Exhibit A.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,
(FDCPA), 15 U.S.C. § 1692 et seq.

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in attempting to collect any debt.
- b. Defendant violated §1692f(1) of the FDCPA by attempting to collect an amount which Plaintiff did not expressly authorized in the agreement creating the debt.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

17. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*, and

19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ David Tannehill

David Tannehill
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3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, DAVID GREGG, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 1/28/2014



DAVID GREGG
Plaintiff